

KITTREDGE, DONLEY, ELSON, FULLEM & EMBICK, LLP

ATTORNEYS AT LAW  
THE BANK BUILDING  
421 CHESTNUT STREET  
PHILADELPHIA, PENNSYLVANIA 19106-2416  
TELEPHONE: (215) 829-9900  
FACSIMILE: (215) 925-5903  
Email: lawoffice@kdefe.com  
URL: <http://www.kdefe.com>

NJ OFFICE  
34 TANNER STREET  
HADDONFIELD, NEW JERSEY 08033  
TELEPHONE: (856) 428-8377  
FACSIMILE: (856) 428-7255

KEITH E. JOHNSTON

Email: [kjohnston@kdefe.com](mailto:kjohnston@kdefe.com)

November 11, 2003

William J. D'Annunzio, Esquire  
Messa & Associates, P.C.  
123 South 22<sup>nd</sup> Street  
Philadelphia, PA 19103

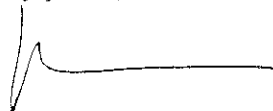
RE: Deborah Soeder v. Millar Elevator Service Co.,  
Schindler, USA and Eastern Eng. & Elevator Co.  
U.S.D.C. for the Eastern District of PA, No. 02-3962  
Our File No.: 5713.498

Dear Mr. D'Annunzio:

Please provide a copy of the photographs taken by Ron Schloss during his inspection of the elevator. If Mr. Schloss took digital photographs and has stored the images on a disk, I would also like a copy of the disk. I agree to reimburse you for any costs involved in reproducing the photographs or images.

Thank you for your anticipated cooperation.

Very truly yours,



KEITH E. JOHNSTON

KEJ/jd

KITTREDGE, DONLEY, ELSON, FULLEM & EMBICK, LLP

ATTORNEYS AT LAW  
34 TANNER STREET  
HADDONFIELD, NEW JERSEY 08033  
TELEPHONE: (856) 428-6977  
FACSIMILE: (856) 616-9538  
Email: [lawoffice@kdefe.com](mailto:lawoffice@kdefe.com)  
URL: <http://www.kdefe.com>

PA OFFICE  
THE BANK BUILDING  
421 CHESTNUT STREET  
PHILADELPHIA, PENNSYLVANIA 19106-2416  
TELEPHONE: (215) 929-9900  
FACSIMILE: (215) 428-7255

KEITH E. JOHNSTON

December 4, 2003

Heidi G. Villari, Esquire  
Messa & Associates, P.C.  
Four Greentree Centre  
Route 73 & Lincoln Drive  
Marlton, NJ 08053

RE: Deborah Soeder v. Millar Elevator Service Co.,  
Schindler, USA and Eastern Eng. & Elevator Co.  
Superior Court of NJ, Camden County,  
No. L-3552-02  
Our File No.: 5713.498

Dear Ms. Villari:

During your client's deposition Ms. Soeder testified she is receiving Social Security Disability benefits. I would like to obtain a copy of the records from the Social Security Administration and from past experience I have found the Administration will not release the records without a signed authorization in an approved format. I have enclosed an authorization for release of records which I request your client sign and return to my office so I can obtain the records.

Thank you for your attention to this request.

Very truly yours,

  
KEITH E. JOHNSTON

KEJ/jd  
Enclosure

AUTHORIZATION FOR RECORDS

TO: SOCIAL SECURITY ADMINISTRATION  
1234 Market Street  
Philadelphia, PA 19107

You and each of you are hereby authorized and directed to do any and all of the following things:

1. disclose all facts pertaining to my Social Security disability claim, including but not limited to payments, medical records and lien amounts, to

Keith E. Johnston, Esquire  
Kittredge, Donley, Elson, Fullem & Embick  
421 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

2. permit the above-named counsel to examine and make copies of all records pertaining to me or you may furnish such copies to them.

Dated this day of , 2003.

---

Deborah Soeder  
SSN: 178-50-0897  
DOB: 3/24/58

Signed in the presence of:

---

Witness

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 02-3962

DEBORAH SOEDER,	)	DEPOSITION UPON
	)	
	)	
Plaintiff,	)	ORAL EXAMINATION
	)	
	)	
- vs -	)	OF
	)	
MILLAR ELEVATOR SERVICES,	)	DEBORAH SOEDER
SCHINDLER, USA and EASTERN	)	
ENGINEERING and ELEVATOR	)	
COMPANY,	)	
	)	
Defendants.	)	ORIGINAL
- - - - -	-	

TRANSCRIPT OF DEPOSITION, taken by and  
before CARY PELLECCCHIA, Professional Reporter  
and Notary Public, at the offices of MESSA &  
ASSOCIATES, 123 South 22nd Street, Philadelphia,  
Pennsylvania, on Wednesday, November 12, 2003,  
commencing at 10:40 a.m.

REPORTING SERVICES ARRANGED THROUGH  
VERITEXT/NEW JERSEY REPORTING COMPANY, L.L.C.  
Kabot Battaglia & Hammer - Suburban Shorthand  
Waga and Spinelli - Arthur J. Frannicola, CSR  
25B Vreeland Road - Suite 301  
Florham Park, NJ 07932  
Tel: (973) 410-4040 Fax: (973) 410-1313

1 A P P E A R A N C E S:

2  
3 MESSA & ASSOCIATES  
4 BY: WILLIAM J. D' ANNUNZIO, ESQUIRE  
5 Four Greentree Centre, Suite 201  
6 Route 73 & Lincoln Drive  
7 Marlton, NJ 08053  
8 Attorneys for the Plaintiff

9 KITTREDGE, DONLEY, ELSON,  
10 FULLEM & EMBICK, LLP  
11 BY: KEITH E. JOHNSTON, ESQUIRE  
12 421 Chestnut Street, 5th Floor  
13 Philadelphia, PA 19106  
14 Attorneys for the Defendants,  
15 Millar Elevator Service Co.  
16 and Schindler Elevator Corporation  
17  
18  
19  
20  
21  
22  
23  
24

1 A. -- the status.

2 Q. -- status.

3 A. There was a conversation with Lorraine  
4 Raymo and she's one of the administrative  
5 assistants in neonatology or pediatrics. I  
6 correct that, pediatrics. But that was -- that  
7 conversation took place in the year 2000.

8 Q. Now, you've identified the medical  
9 benefits you are currently receiving.

10 A. Yes.

11 Q. As I understand, you are not paying  
12 any premiums?

13 A. That's correct.

14 Q. Do you receive any wage benefits from  
15 Cooper Hospital?

16 A. I received what was called extended  
17 sick leave.

18 Q. How long did you receive extended sick  
19 leave?

20 A. I would say approximately six to eight  
21 weeks.

22 Q. And was the extended sick leave at  
23 your standard rate of pay, or was it at a  
24 reduced amount?

1 A. I'm not sure. I would have to check  
2 the records.

3 Q. I believe this has been requested  
4 already, but did you file income tax returns,  
5 both at Federal, State level, for the period of,  
6 let's say, 1988 up until the present?

7 A. Absolutely.

8 Q. I know that they've been requested in  
9 Discovery. I would like to get a copy of those  
10 tax returns.

11 Do you have them at home?

12 A. I could go through the piles.

13 Q. Okay.

14 MR. D' ANNUNZIO: 1988 to  
15 present was your request?

16 THE WITNESS: Actually --

17 MR. D' ANNUNZIO: Hold on  
18 for a moment.

19 1988 to the present? Is  
20 that your request? Is that what I  
21 thought I heard you say?

22 MR. JOHNSTON: 1992 to the  
23 present. Since it's unclear what --

24 MR. D' ANNUNZIO: Sure. I'm

1 not objecting.

2 MR. JOHNSTON: -- her source  
3 of income is. So if you have --  
4 whatever records you have.

5 THE WITNESS: I believe that  
6 Robin has that information.

7 MR. D' ANNUNZIO: We may  
8 have it, and if we have it, we'll  
9 produce it. If not, we'll ask our  
10 client to get it and we'll produce it  
11 to you.

12 MR. JOHNSTON: It's more of  
13 a nature of a reminder. As long as  
14 you're here, I'll ask it.

15 THE WITNESS: Sure.

16 BY MR. JOHNSTON:

17 Q. After the six to eight weeks of  
18 disability, did you then continue to receive  
19 some type of wage benefit?

20 A. Not a wage benefit.

21 Q. You got some money? It's called  
22 money.

23 A. From what source?

24 Q. First of all, I just want to establish

1 not they say Cooper Hospital on them,

2 I don't know, but.

3 BY MR. JOHNSTON:

4 Q. Generally, if you make a claim for a  
5 work-related injury, you have to fill out an  
6 accident report.

7 A. I filled out forms --

8 Q. If you make a workers' compensation  
9 claim, you have to do some paperwork for  
10 workers' compensation claims. And that's at the  
11 request of your employer, Cooper Hospital.  
12 Whether they say Cooper Hospital on them or not,  
13 I don't know.

14 MR. D' ANNUNZIO: Okay.

15 THE WITNESS: Okay. I  
16 filled out several forms when I went  
17 to Cooper Occupational Health on May  
18 30th of 2000 at Occupational Health.  
19 Those forms related to the accident.  
20 I have also filled out workers'  
21 compensation forms. I have not filled  
22 them out at the hospital. Those forms  
23 were given to me by my attorney.

24 BY MR. JOHNSTON:

1 Q. Can you think of any other forms that  
2 you filled out?

3 A. I filled out the form for the New  
4 Jersey disability.

5 Q. Have you provided any narrative  
6 statements describing the accident?

7 A. Sworn?

8 Q. No, not sworn.

9 MR. D' ANNUNZIO: No.

10 MR. JOHNSTON: Narrative can  
11 be handwritten, typed or any other  
12 form.

13 THE WITNESS: Yes.

14 BY MR. JOHNSTON:

15 Q. To whom did you provide the narrative  
16 statements?

17 A. To the New Jersey State Disability and  
18 to Cooper Hospital Occupational Health.

19 Q. Was it a hand-written statement?

20 A. Yes.

21 MR. D' ANNUNZIO: Both of  
22 them handwritten?

23 THE WITNESS: Yes.

24 BY MR. JOHNSTON:

1 A. Yeah, I have a letter.

2 MR. D' ANNUNZIO: Let him  
3 ask the question. Keith, I'm sorry.

4 BY MR. JOHNSTON:

5 Q. I was going to say what do you mean by  
6 that?

7 A. I received a letter from workers' comp  
8 that I wasn't going to receive workers'  
9 compensation. And they based that on my going  
10 to Jefferson that Wednesday. When I explained  
11 that I had to go to Jefferson to get the MRI and  
12 that I was told by Cooper that they were not  
13 able to provide it, and I have a letter from  
14 them stating that, since I elected outside care,  
15 that, you know, they were not giving me workers'  
16 comp.

17 I have a letter from Sky Ball  
18 Associates in reference to that. So then I  
19 needed to, you know, get care.

20 BY MR. JOHNSTON:

21 Q. Okay. So you've identified Sky Ball  
22 as an administrator of the workers'  
23 compensation for Cooper Hospital.

24 MR. D' ANNUNZIO: Let me

1 object to the form of the question.  
2 If you know what they are, you can  
3 answer the question.

4 THE WITNESS: To my  
5 understanding, they represent Cooper  
6 Hospital as far as the insurance.

7 BY MR. JOHNSTON:

8 Q. Have you had any other communication;  
9 that's telephone calls, letters or whatever with  
10 Sky Ball, concerning a workman's compensation  
11 claim?

12 MR. D' ANNUNZIO: Other than  
13 that letter.

14 THE WITNESS: I have two  
15 letters from them, and we had phone  
16 conversations, which I have the phone  
17 records of them that I tried to  
18 resolve it, but you know. I have  
19 phone records.

20 MR. D' ANNUNZIO: You have  
21 called Sky Ball, or they have called  
22 you?

23 THE WITNESS: That was early  
24 on. That was in the year 2000.

1 MR. D' ANNUNZIO: After  
2 getting that letter, you've had  
3 additional telephone calls or  
4 telephone conversations with Sky Ball  
5 to try to resolve your workers' comp  
6 claim.

7 THE WITNESS: Only back in  
8 June of 2000.

9 MR. D' ANNUNZIO: Okay.

10 THE WITNESS: And then when  
11 -- I didn't understand it because I  
12 knew nothing about --

13 MR. D' ANNUNZIO: He's just  
14 asking you had you had any  
15 communications, telephone calls, other  
16 letters, other than the two letters  
17 you've already testified to and other  
18 than the telephone calls. Any other  
19 communications with Sky Ball?

20 THE WITNESS: Since that  
21 time?

22 MR. D' ANNUNZIO: At any  
23 time, other than those two letters and  
24 telephone calls that you just talked

1 about.

2 THE WITNESS: No.

3 BY MR. JOHNSTON:

4 Q. Was the general nature of the  
5 conversation with Sky Ball that you disagreed  
6 with their determination that you would not be  
7 entitled to workers' compensation?

8 MR. D' ANNUNZIO: Let me  
9 object to the form of the question.  
10 You can answer it.

11 THE WITNESS: I was,  
12 actually, in disbelief because the  
13 letter indicated that I was the one  
14 who chose outside care. I was in  
15 total disbelief even though I did not  
16 know any of the rules or regulations  
17 of workers' comp.

18 I was in total disbelief  
19 because it was Cooper Hospital who  
20 told me to get an MRI at another  
21 facility because they were not able to  
22 provide that day. So the letters were  
23 based on the fact that I sought  
24 outside treatment, but that outside

1 treatment was sought because of  
2 instruction that I received from  
3 Cooper Hospital. And I have the copy  
4 of that prescription.

5 MR. D' ANNUNZIO: Okay.

6 BY MR. JOHNSTON:

7 Q. Am I correct that you have the letters  
8 from Sky Ball?

9 A. Yes, I do.

10 Q. I'd like to see a copy of those  
11 letters, so I understand what's going on.

12 A. Yes.

13 MR. D' ANNUNZIO: She'll  
14 provide them to her counsel and  
15 counsel will provide them to  
16 Mr. Johnston.

17 THE WITNESS: Yes.

18 BY MR. JOHNSTON:

19 Q. Was it your understanding that  
20 communication of Sky Ball --

21 MR. D' ANNUNZIO: Keith,  
22 just let me -- so far you are  
23 requesting IRS tax returns, both State  
24 and Federal, 1992 to present and now

1 these letters, written communications  
2 from Sky Ball?

3 MR. JOHNSTON: Right.

4 THE WITNESS: Do you want  
5 the --

6 MR. D' ANNUNZIO: Now let  
7 him ask the question.

8 THE WITNESS: Oh, okay.

9 BY MR. JOHNSTON:

10 Q. Was it your understanding that Sky  
11 Ball told you that they would not pay the  
12 medical bills and would not pay your wage  
13 benefits because you sought treatment outside of  
14 the Occupational Health?

15 A. I did not know what the whole package  
16 included, but I believed from the letter that  
17 they were talking about the wage benefits.  
18 That's the indication that I received from the  
19 letter.

20 Q. Do you know if that decision by Sky  
21 Ball has been challenged as part of the workers'  
22 compensation claim that you've made through your  
23 series of attorneys?

24 MR. D' ANNUNZIO: Do you

1 know?

2 THE WITNESS: I'm sure  
3 that -- the fact that we have a case.

4 MR. D' ANNUNZIO: He doesn't  
5 want you to guess. He wants to know  
6 do you have actual knowledge whether  
7 or not that claim has been challenged  
8 through your attorneys or not.

9 THE WITNESS: In what sense  
10 do you mean challenged?

11 MR. D' ANNUNZIO: Are they  
12 contesting it on your behalf? Have  
13 they filed documents or contacted them  
14 to say, hey, this isn't the fair thing  
15 to do or the right thing to do. You  
16 need to proceed with making payments..  
17 Do you know what your attorneys are  
18 doing?

19 THE WITNESS: I don't know  
20 what they're doing. I know -- I don't  
21 know what conversations they've --

22 MR. D' ANNUNZIO: So you  
23 don't know?

24 THE WITNESS: I don't know

1 original question was why I moved  
2 there, and I was trying to explain --

3 MR. D' ANNUNZIO: I think  
4 you told him.

5 THE WITNESS: Okay.

6 MR. D' ANNUNZIO: You  
7 couldn't find a handicapped apartment  
8 in Philadelphia that was affordable.

9 THE WITNESS: Right.

10 MR. D' ANNUNZIO: And you  
11 finally found one in Ephrata. And  
12 Keith will ask you another question if  
13 he doesn't think you've answered it.

14 THE WITNESS: Okay.

15 BY MR. JOHNSTON:

16 Q. So Ephrata was the closest place  
17 geographically that you could find.

18 A. -- find something that was --

19 Q. Is that your testimony?

20 A. Yes.

21 Q. You mentioned that you had photographs  
22 of your home. Have you taken photographs of  
23 anything else that's related to this lawsuit  
24 such as physical condition, bruises, condition

1 of the elevator, anything else that is related  
2 to the lawsuit? Are you aware of any other  
3 photographs?

4 MR. D' ANNUNZIO: Let me  
5 object to that. That's actually two  
6 different questions. Are you aware of  
7 any other photographs other than the  
8 photographs of your apartment?

9 And number two, have you  
10 taken any other photographs of  
11 anything, other than the apartment  
12 that relates to this case?

13 THE WITNESS: No.

14 MR. D' ANNUNZIO: To both?

15 THE WITNESS: What's the  
16 both part?

17 MR. D' ANNUNZIO: No, you're  
18 not aware of any other photographs  
19 other than the pictures of your  
20 apartment and two, no, you haven't  
21 taken any other photographs, other  
22 than the pictures of the apartment  
23 that relate to this case?

24 THE WITNESS: Correct.